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No.: **ICC-01/14-01/22**

Date: **21 March 2022**

PRE-TRIAL CHAMBER II

Before: Judge Salvatore Aitala, Presiding Judge
Judge Antoine Kesia-Mbe Mindua
Judge Rosario Tomoko Akane

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *PROSECUTOR v. MAXIME MOKOM***

Public

**Prosecution's Request for an E-Court Protocol, a Redaction Protocol, and a
Protocol on the Handling of Confidential Information and Contacts with
Witnesses**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

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I. INTRODUCTION

1. The Prosecution requests Pre-Trial Chamber II (“Chamber”) to adopt in this case the following protocols, as issued in the related case of *Prosecutor v. Yekatom and Ngaissona* (ICC-01/14-01/18), namely the: (i) E-Court Protocol;¹ (ii) Redaction Protocol;² and (iii) Protocol on the handling of confidential information and contacts with witnesses³ (“Proposed Protocols”).

2. Adopting the three Proposed Protocols in this case will ensure judicial economy, uniformity, and an effective and expeditious pre-confirmation process, particularly regarding disclosure.

II. SUBMISSIONS

3. *First*, the Prosecution seeks to effectuate disclosure as promptly as possible, given Maxime Jeoffroy Eli Mokom Gawaka’s (“MOKOM”) 14 March 2022 transfer to the Court.

4. Applying the Proposed Protocols in this case will facilitate the immediate disclosure of materials already assessed and disclosed by the Prosecution during the Pre-Trial phase of the *Yekatom and Ngaissona* case. Moreover, it will facilitate the same with respect to materials disclosed during the trial phase of that case, given that Trial Chamber V fully adopted the same protocols on 19 March 2020.⁴

5. *Second*, adopting the Proposed Protocols will ensure a uniform practice across the related cases, given their substantial overlap.⁵

¹ ICC-01/14-01/18-64-Anx.

² ICC-01/14-01/18-64-Conf, paras. 23-32.

³ ICC-01/14-01/18-156-AnxA.

⁴ ICC-01/14-01/18-459, para. 8.

⁵ In this regard, the Prosecution will promptly file a Request for the Suspect to access the case record of *Yekatom and Ngaissona*.

6. This will further streamline the pre-confirmation procedure by avoiding unnecessary or duplicative processes, particularly in the area of redactions duly implemented in the *Yekatom* and *Ngaissona* case, as well as their categorisation. It will thus minimise potential impediments and substantially advance the interests of judicial economy and the expedition of the proceedings.

7. The Prosecution relies on and adopts the conclusions and findings made by the Chamber and Trial Chamber V in their respective Decisions concerning the application of the relevant Protocols.⁶ However, should the Chamber require fuller submissions with respect to any or all of the Proposed Protocols, the Prosecution is disposed to do so.

8. RELIEF SOUGHT

9. For the above reasons, the Prosecution requests that the Chamber adopt the Proposed Protocols in this case, as issued in the related case of *Yekatom and Ngaissona*.



Karim A. A. Khan QC, Prosecutor

Dated this 21st day of March 2022
At The Hague, The Netherlands

⁶ See, ICC-01/14-01/18-64-Conf, paras. 11-18, 20-21, 23-32; ICC-01/14-01/18-156, paras. 22-51; ICC-01/14-01/18-677, paras. 65, 71-84.